

Report for Decision
Item Number: 4



Contains Confidential or Exempt Information	No - Part 1
Title	Review of Complaints made under the Members Code of Conduct
Responsible Officer(s)	Maria Lucas
Contact officer, job title and phone number	Maria Lucas, Head of Legal Services, 01628 796665
Member reporting	Councillor Burbage
For Consideration By	Constitution Sub-Committee
Date to be Considered	31 st July 2014
Implementation Date if Not Called In	
Affected Wards	All
Keywords/Index	Standards; Code of Conduct

Report Summary:

1. This report contains recommendations from the Independent Person to the Code of Conduct arrangements to make this more effective.
2. If adopted, there are no direct financial implications.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit	Dates by which residents can expect to notice a difference
The report provides recommendations to improve the procedures relating to the Code of Conduct.	N/A

1. Details of Recommendations

RECOMMENDATION: That the Constitution Sub-committee to considers the recommendations of the Independent Person and agrees to adopt these as appropriate.

2. Reason for Recommendations and Options Considered

2.1 Under the current Members Code of Conduct, complaints that there has been a breach of the Code are considered by the Managing Director. The

Managing Director can consult the Independent Person at any stage in the complaint process. The Managing Director must consult the Independent Person before he makes a decision on an allegation, which he decided required investigation. In practice the Managing Director considers all complaints received with the Independent Person.

2.2 The Independent Person has reviewed the working of the Code and made several recommendations regarding the current arrangements. The first relates to the fact that personal or other relevant interests are not defined in the Code of Conduct, which only defines disclosable pecuniary interests. The Independent Person was concerned that that the Council had not defined in any rule or notification to councillors as to what the “personal interests” to be registered were, as invited to do so by the Localism Act 2011. He therefore recommended that Council should consider including these in the Code of Conduct to assist Members in ensuring that the proper declarations as to interests were made.

2.3 The second recommendation relates to the publication of the Decision Notice, which contains the outcome and reasons for the decision about the complaint. The current practice, which has continued from the setting up of the Standards Committee, is that Decision Notices are only published on the RBWM website if there has been a breach, or if there is no breach and the Member agrees to it’s publication. The Independent Person considers that in the interests of transparency, all Decision Notices should be published, whether a breach has been found or not. (Councillors will note that all Decision Notices, which do not contain confidential information, are disclosable under FOI, whether they have been published on the website or not.)

2.4 The third relates to the appointment of the deputy Independent Person. Due to the small number of complaints since 2012, the deputies have not been needed to be involved and no members have requested advice on a complaint from the Independent Person or his deputy. The resignation of one of the deputies, Julian Scrace has now been received. The Independent Person has therefore suggested that as the volume of cases remains small, Council considers re-appointing just the Independent Person. If the Independent Person feels unable to advise due to a conflict of interest, then the Independent Person from a neighbouring authority could be asked to assist.

2.5 The Constitution Sub-committee is asked to note the contents of this report and to discuss and the implementation of these recommendations as relevant.

Option	Comments
The Constitution Sub-committee considers the Independent Person’s recommendations and adopts those appropriate.	Recommended option

3. Key Implications

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
The Constitution Sub-committee recommendations are implemented within 28 days	More than 28 days	Less than 28 days	Less than 25 days	Less than 23 days	Annually

3. Key Implications

The Council should regularly consider the outcomes of complaints as good practice and the recommendations, if any, of the Independent Person. The Council must appoint an Independent Person but need not appoint a deputy.

4. Financial implications

There are no direct financial consequences arising from this report.

5. Legal Implications

These are included in the body of the report.

6. Value for Money

N/A

7. Sustainability Impact Appraisal

None.

8. Risk Management

Risks	Uncontrolled Risk	Controls	Controlled Risk
Lack of clarity in members declaring interests results in failure to do so, resulting in reputational and financial consequences to the Council	Medium	Training and regular reminders	Low
Complaints about Members behaviour are not correctly dealt with	Medium	Appointment of Independent Person and regular review of the complaints process	Low

9. Links to Strategic Objectives

The main links are to:

Residents First

- Work for safer and stronger communities

Delivering Together

- Enhanced Customer Services
- Deliver Effective Services

Equipping Ourselves for the Future

- Developing Our Systems and Structures

10. Equalities, Human Rights and Community Cohesion

N/A

11. Staffing/Workforce and Accommodation implications:

None.

12. Property and Assets

None.

13. Any other implications:

None.

14. Consultation

N/A

15. Timetable for Implementation

N/A

16. Appendices

17. Background Information

None

18. Consultation (Mandatory)

Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Burbage	Leader of the Council	9.7.14	30/7/14	
Mike McGaughrin	Managing Director	9.7.14		
Maria Lucas	Head of Legal Services	N/A		
Andrew Brooker	Head of Finance	9.7.14		

Report History

Decision type:	Urgency item?
Non-key decision	No

Full name of report author	Job title	Full contact no:
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